

Taxation without representation one-sixth (353,702) of the population of Kentucky is disfranchised “it was for less than that that the war of the revolution of 1776 was fought,” said Judge Edward C. O’Rear. [Louisville, n. d.].

TAXATION WITHOUT REPRESENTATION

ONE-SIXTH (353,702) OF THE POPULATION OF KENTUCKY IS DISFRANCHISED

“It Was For Less Than That That the War of the Revolution of 1776 Was Fought,” Said Judge Edward C. O’Rear

THE COURT OF APPEALS HAS CONDEMNED IT AS AN OUTRAGE

The above map shows three of the smallest and three of the largest Representative districts. By the arrangement of these districts, one voter, in the smaller and Democratic districts has as much representation as seven voters in the larger or Republican districts, as illustrated by the men on the map.

Hancock county, the 29th Representative district, has a population of 8,512 and an area of 195 square miles. Compare it with the 93rd district with a population of 59,144 and an area of 1,591 square miles. The latter district has more than seven times greater population than the former and the area is about eight times as great, yet the smaller district has equal representation in the Legislature with the larger.

Compare the 78th district (Democratic) with the 69th district (Republican). The difference in population is in the ratio of six to one and the difference in area is four to one, the discrimination being against the Republican district. Each has the same representation. Compare the 57th district (Democratic) with the 98th district (Republican). The difference in population is in the ratio of over four to one and the difference in area is about three to one, the discrimination being against the Republican district. Each has the same representation regardless of population and area.

Tables presented herewith illustrate further the injustice done in the Legislative districting.

Under the present law the twelve counties in the table below are given one Representative each for an average population of 10,831 and an average area of 242 square miles. The Constitutional basis is one Representative for each 22,899 population, which would entitle these twelve counties to nearly

six Representatives. They therefore have about seven more Representatives than they are entitled to.

Dis. County. Population. Area. 79 Pendicton, 11,985 255 77 Grant, 10,581 273 29 Hancock, 8,512 195 59 Woodford, 12,571 338 57 Anderson, 10,146 224 20 Meade, 9,783 304 32 Larue, 10,701 299 78 Boone, 9,420 242 21 Simpson, 11,460 190 63 Jessamine, 12,613 160 67 Garrard, 11,894 234 85 Bracken, 10,308 193 12 12 counties 129,974 2,907

The twenty-five counties in the table below are entitled to twenty-one Representatives on a basis of one Representative for every 22,899 population, but they are given only twelve Representatives.

They were robbed of nine. The average population of the twelve districts is 40,305.

Dis. County. Population. Area. 68 Pulaski, 35,986 754 69 Whitley & Knox 54,098 930 70 Laurel & Rockcastle, 34,345 756 71 Clay, Jackson, Owsley, 36,502 1,011 93 Bell, Harlan, Leslie & Perry, 59,244 1,591 97 Knott, Floyd, Letcher, 40,037 1,076 98 Boyd & Lawrence, 43,511 608 92 Brathitt, Lee & Magoffin, 40,725 980 4 McCracken, 35,064 241 3 Graves, 33,539 550 10 Christian, 38,845 694 100 Elliott & Carter, 31,780 770 12 25 counties, 483,676 9,941

According to the Census of 1910 Kentucky has a population of 2,289,905. One-sixth of that population is 381,650. The difference in population between the 12 small districts and the 12 large districts is 353,702, so that it is evident that one-sixth of the population of Kentucky is disfranchised in twelve counties alone. By taking the whole state over, it would be found to be a still more flagrant wrong.

SENATORIAL MAP

The above map shows four Senatorial districts in Kentucky, the two large ones being Republican in politics and the two small ones being Democratic in politics. They illustrate the way the State was districted in order to insure that the Legislature would be Democratic regardless of the wishes of a majority of the voters of the State. The districts, of which there are thirty-eight in all, but only the four most glaring examples being shown here, were arranged so that it takes about six voters in Republican districts to equal one voter in Democratic districts, as shown by the men on the map.

It will be noted that in the 23rd district (Democratic) the population is 28,365 and the area 748 square miles and it has one Senator in the General Assembly. While in the 17th district (Republican) the population is 163,610 and the area 3,160 square miles, and it also is allowed only one Senator. Therefore the difference in population between these two districts alone is 134,795 and that many citizens are disfranchised in the 17th district and are not represented in the Legislature. The difference in area is 2,412 square miles, which still further outrages the 17th district, as owing to its

mineral wealth it is growing more rapidly in population than the 23rd district, with the result that each year sees the number of disfranchised citizens grow larger.

Again, in the 30th district (Democratic) the population is 31,595 and the area 647 square miles and it has one Senator. While in the 33rd district (Republican) the population is 145,075 and the area 3,982 square miles and it is allowed only one Senator, the same as the smaller district. Thus the difference in population between these two districts is 113,480 and the difference in area 3,335 square miles. Tables printed below show further facts about Senatorial gerry-mandering.

In the two tables below, twelve Senatorial districts are compared, being six of the smallest districts and six of the largest districts. The basis of representation for Senatorial districts under the 1910 census is 60,260 for each district. The six small districts are entitled on this basis to not quite 3 ½ Senators. They are given six Senators. The six largest districts are entitled to nearly 10 Senators. They are given only six. The difference in population between the six small districts and the six large districts is 394,992, or that many citizens are disfranchised in the six larger districts.

SMALLEST SENATORIAL DISTRICTS.

Dis. County. Population. Area. 30 Harrison, Nicholas and Robertson, 31,595 647 23 Boone, Gallatin, Owen, 28,365 748 26 Bracken, Grant & Pendleton, 32,874 721 10 Breckinridge, Hancock and Meade, 39,329 1,094 31 Lewis and Mason, 35,498 680 21 Carroll, Henry, Old—ham and Trimble, 35,586 795 6 18 counties, 203,247 4,680 Dis. County. Population. Area. 33 Clay, Floyd, Johnson, Knott, Leslie, Letcher, Harlan, Martin, Perry and Pike, 145,075 3,982 17 Bell, Jackson, Knox, Laurel, Pulaski, Rockcastle & Whitley, 163,610 3,160 7 Butler, Muhlenberg and Ohio, 72,045 1,419 32 Boyd, Elliott, Greenup and Lawrence, 71,800 1,181 6 Christian & Hopkins, 73,136 1,248 2 Ballard, Carlisle, McCracken & Marshall, 72,573 998 6 30 counties, 598,239 11,988

Gift Republican Party Ky. 20.22.12

CONGRESSIONAL MAP

This map shows how the gerrymandering was practiced in the Congressional districts. The smallest Democratic district (Eighth) and the largest Republican district (Eleventh) are shown, the former having only ten counties and those small, while the latter has nineteen large counties. The area of the 8th district is 2,701 square miles and the 11th district is 7,401, or a difference of 4,700 square miles. The population of the Eighth district is 148,313 as compared with 308,348 in the 11th district, or a difference of 160,035, which difference represents the number of citizens disfranchised in the 11th district in Congressional elections.

Republican counties were taken out of adjoining districts and were placed in the Eleventh district with the hope of making all the other districts Democratic. It takes more than two voters in the Eleventh district to equal one voter in the Eighth district. This gerrymandering deprives Democrats and Republicans alike of representation. The righting of this wrong is not a partisan matter. It is simply carrying out the plain mandates of the Constitution. On the question of fairly redistricting the state, the platforms of the Republican and Democratic parties this year in Kentucky are shown below:

REPUBLICAN PLATFORM

We arraign the Democratic party of Kentucky not only for its failure to comply with, but for its flagrant violation of the laws of the United States requiring the apportionment of Congressional districts, and of the Constitution of the State, directing the apportionment of Judicial, Senatorial and Legislative districts. We denounce the present apportionment as unjust and unconstitutional, and in many instances a denial of equal representation to people in different sections of the State. We demand that equal representation shall be given to all the people of the State, and that the rights of all shall be protected by a just and fair apportionment law.

DEMOCRATIC PLATFORM

In view of the silence of the Democratic platform on this great Constitutional question of right and justice, which party should you vote for to give the disfranchised citizens relief:

An Appeal to Kentuckians For Fair Play

Kentuckians believe in fair play and all that is necessary to get fair play is to put a question of right squarely up to the people of this State. It is certain that no question before Kentuckians today involves the rights of the people more than the question of redistricting the State. A Democratic Court of Appeals has condemned the present districting as indefensible; the Democratic candidates for office do not deny any of the facts, nor did they seek to have their party platform promise relief from the unfair districting. There is no excuse for the delay in correcting this wrong because it has existed since 1893 and even if they had waited until the census of 1900, they could have righted it ten years ago. Since that census there have been five sessions of the General Assembly, in each of which the Democrats had a clear majority. In every one of those sessions bills were introduced to correct the wrong, but each time the Democratic majority killed all such legislation except in 1906, when they passed a redistricting bill even more unfair than the act of 1893, and which was vigorously

condemned by the Court of Appeals in the decision below. It must be the decision of all fair citizens, that the leaders of that party not only condone the original wrong but desire to see it perpetuated. On the stump in this campaign, not a candidate has breathed a word in promise of relief, except the Republican candidates. The conclusion is inevitable that if relief is to be secured, it must be through a Republican administration.

Judge E C. O'Rear, the Republican candidate for Governor, in his speech at Columbia, Ky., on "Redistricting the State" explained in the following language the method by which 353,702 Kentuckians were deprived of representation:

HOW IT WAS DONE.

In 1893 they met and they divided this State into one hundred districts, and in arranging them, they fixed these districts this way: They made twelve districts, each having one county, the total population of the twelve being about 129,974 and the total area of the twelve being 2,907 square miles. Mark you, they gave those twelve counties each a representative, the smallest one having eight thousand population, the largest one a little over 12,000. Every one of those twelve counties was Democratic. So was the Legislature that passed that bill.

They then created twelve other Districts containing twenty-nine counties having a population of about 483,676, and an area of over 11,000 square miles. Those twenty-five counties, upon an equal pro rata distribution, were entitled to twenty-one representatives. They were robbed of nine. They were only given twelve. Mark it, that the first group of twelve counties contained 129,974 population the last group 483,676, meaning that 353,702 people of Kentucky are absolutely disfranchised and not represented in their legislature. Not only that, but the territory represented by the latter group is 7,034 square miles in excess of the other, and the last territory which I have been talking to you about is almost exclusively Republican in its politics. But without regard to what the politics of its people may have been. I declare to you that that is a wilful, flagrant, open violation of the Constitution of Kentucky, committed for the purpose of depriving those people of representation. (Applause). It was for less than that, that the War of the Revolution of 1776 was fought.

AGAIN FAILED TO ACT.

In 1900 a new census was taken. Then the Constitution required that the Legislature should again redistrict Kentucky, equally, fairly, and according to the provisions which I have read to you. In 1901 a Legislature met at Frankfort, a Democratic Legislature in both branches, with that Constitution

before them and with that enumeration before them, and they did not attempt to reapportion them. They did not undertake it.

The matter rested that way until 1906. Then they made a reapportionment, and what kind. Under the one of 1893 they had given representation to certain democratic districts in Kentucky of one to six—one voter having a voting power of six voters in Republican districts. But the Republican districts had been growing in population and in Republican majorities, and it was found necessary, or believed to be necessary, to cut down their representation further, I infer from what was done, because then they made a new apportionment, in which they fixed the ratio at one to eight. The strange thing to me is they did not put it sixteen to one. (Applause.)

COURT OF APPEALS CONDEMNS GERRYMANDERING.

The Kentucky Court of Appeals, a majority of whom are Democrats, was called upon in 1907 to decide whether the reapportionment by the Legislature in 1906 was fair and just. The case came from the Ohio Circuit court and in a unanimous decision the apportionment was declared un-Constitutional, and was set aside, but no relief came because in setting aside the 1906 apportionment, the infamous 1893 apportionment, was left in force and operation. The language, of the Court of Appeals, in deciding the case arising from the 1906 apportionment, is unusually strong, and in part the decision was as follows:

“The act under discussion is grossly violative of Section 33, of the Constitution, in that the injunction as to equality between the districts was not even pretended to be obeyed by the Legislature, and is not and cannot be denied.”

“He has studied our Constitution in vain who has not discovered that the keystone of that great instrument is equality—equality of men, equality of representation, equality of burden, and equality of benefits. Section 1, of the Bill of Rights provides: ‘All men are by nature free and equal. Section 3: ‘All men, when they form a social compact are equal. Section 33 provides for equality of representation. Sections 171, 172, 173 and 174, provide for equality of taxation (uniformity). Section 39 provides for equality (general) of laws. Indeed it could not be otherwise, for when our forefathers emigrated from their European home it was in the main to escape from the oppression of inequality. They brought with them a burning love for this great democratic principle, and imbedded it deep in the foundation of the empire they were destined to erect and which they will preserve so long as the love of liberty is more than a name. When they threw off the supervising government of the mother

country it was because they were denied equality of representation, or, as they expressed the evil, they had imposed upon them taxation without representation.

"Equality of representation is a vital principle of democracy. In proportion as this is denied or withheld, the government becomes oligarchical or monarchical. Without equality Republican institutions are impossible. Inequality of representation is a tyranny to which no people worthy of freedom will tamely submit. To say that a man in Spenser county shall have seven times as much influence in the government of the state as a man in Ohio, Butler or Edmonson, is to say that six men out of every seven in those counties are not represented in the government at all. They are required to submit to taxation without representation. It was this kind of oppression which inspired that great struggle for freedom which began on Lexington Green in 1775, and ended at Yorktown, in 1781. Equality of representation is the basis of patriotism. No citizen will, or ought to love the state which oppresses him; and that citizen is arbitrarily oppressed who is denied equality of representation with every other citizen of the Commonwealth."

SENATOR BRADLEY'S SPEECH.

Senator W. O. Bradley, in his great speech at Ashland, expressed himself as follows on the redistricting question:

"The ominous silence of the Democratic party on this question in their platform, which was vociferously more or less in favor of sixteen other propositions in the Republican platform, is a clear and conclusive demonstration that they will either continue refusing to pass a fair apportionment bill giving to all the people equal rights, or will pass another similar to the damnable bill of 1906.

"In 1896 and again in 1898, a Republican Governor besought the Legislature to repeal the act of 1893 and give the people equality of representation but his plea was ignored and that infamous law has continued to curse the people for eighteen years.

"There is only one hope for the liberty of the people of Kentucky and that is through the election of the Republican ticket and a Republican Legislature. All other questions involved in this campaign, when compared with this, sink into insignificance, and every man who now votes the Democratic ticket consents to the forging of chains either upon himself or his neighbor. I appeal to you in the name of your home, in the name of your wives and children, in the name of liberty, in the name of justice, in the name of equality, in the name of the brotherhood of man which inspires every man to love and respect the rights of his neighbor, that you go to the polls next November and cast your

votes against the Party which stands convicted by the highest court of Kentucky of a violation of law and good conscience and the commission of a crime upon the citizenship of this State.

“Let us hear no more of the tariff; no more of abuse and unjust criticism of public men, until the people of Kentucky with broken shackles stand before the world with the light of freedom sparkling in every eye, and the shout of deliverance upon every lip.”

[??]

23/24

MC 09-82-038.106

10-98 ?y009.8.23.29